

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA, : CASE NO. 1:21-CV-00564  
Plaintiff, : JUDGE OF CHRISTOPHER A. BOYKO  
vs. :  
REAL PROPERTY LOCATED AT :  
806 N. VISTA STREET, LOS ANGELES :  
CALIFORNIA, LOS ANGELES COUNTY -  
AIN 5526-005-024 -  
Defendant, :  
JUSTEN BALAY  
Claimant.

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**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE ANSWER OR  
OTHERWISE PLEAD AND INCORPORATED MEMORANDUM OF LAW**

NOW COMES Justen Balay, Claimant, and hereby respectfully moves for an extension of time for Claimant to answer or otherwise plead, and in support states as follows:

1. Claimant filed his verified claim in this action on May 5, 2021.
2. Pursuant to Rule G(5)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims, Claimant “must serve and file an answer to the complaint or a motion under Rule 12 within 21 days after filing the claim.” Accordingly, Claimant is due to file an answer or otherwise plead no later than May 26, 2021.
3. Claimant respectfully seeks an extension of this deadline to and including June 29, 2021. Claimant submits that the requested extension is in the interests of justice, and will be used in an effort to narrow the scope of issues to be decided by this Court.

4. The undersigned counsel contacted Assistant United States Attorney, Henry F. DeBaggis, who does not oppose.

INCORPORATED MEMORANDUM OF LAW

This Court may in its discretion extend the time for filing an answer to a civil forfeiture complaint. *See United States v. \$11,320.00 in United States Currency*, 880 F. Supp. 2d 1310, 1323 (N.D. Ga. 2012); *accord, United States v. \$12,126.00 in United States Currency*, 337 Fed. Appx. 818, \*1 (11<sup>th</sup> Cir. 2009) (“a district court has discretion to extend the filing period...”). In this case, an extension of time will allow the Claimant further time to review the facts and law pertinent to this action, avoid the filing of a motion for a stay at least at this time, and may narrow the issues for resolution before this Court. The Government should suffer no prejudice from the requested extension of time, and in fact has expressly agreed to this allowance.

WHEREFORE, for the foregoing reasons, the Claimant respectfully submit that this Court should grant an extension of time to file an answer or otherwise plead to and including June 29, 2021.

DATED: May 14, 2021

LAW OFFICES OF VICTOR SHERMAN  
/s/ Victor Sherman  
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ATTORNEY FOR DEFENDANT,  
JUSTEN BALAY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Claim (Verified) of Justen Balay was served this 14<sup>th</sup> day of May, 2021, electronically on: Henry F. DeBaggis, Assistant United States Attorney.

/s Victor Sherman

VICTOR SHERMAN (SBN 38483)  
ATTORNEY FOR DEFENDANT,  
JUSTEN BALAY